

REMARKS

This paper is submitted in response to the Office Action mailed September 8, 2004 having a shortened statutory period ending on December 8, 2004. This paper is filed within the statutory period. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 22-35, 37-39, 145-161, and 179-194 are currently pending in the present application. Claims 162-178 have been canceled. Claims 179-194 have been added. Claims 22-35 and 37-39 were rejected under 35 U.S.C. §112 1st paragraph as the term "non-diene-containing" was alleged to be not present in the specification as filed. Claims 22-35, 37-39 and 145-178 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese reference JP 10-237267 to Koyanagi et al. (*Koyanagi*). Applicants respectfully disagree with and traverse these rejections for the reasons set forth below.

Regarding the §112 rejection, the case law is clear that a patent application need not describe the claimed subject matter in exactly the same terms as used in the claims. *In re Wertheim*, 191 USPQ 90, 96 (CCPA 1976). Consequently, the test for determining compliance with the description requirement is whether the application reasonably conveys to the skilled artisan that the inventor had possession of the claimed subject matter at the time of the filing date. *Eiselstein v. Frank*, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995). The skilled artisan would readily recognize that the present specification clearly sets forth at page 14 lines 6 through page 15 line 5 a film having first and second polymeric components that are not dienes. In particular, the present application clearly discloses non-diene containing ethylene-containing polymers at page 14 lines 6-14. The skilled artisan would further acknowledge that the propylene-containing polymer and the methylpentene polymer disclosed at page 14 line 20 through page 15 line 5 are not dienes. In view of the cited disclosure, the skilled artisan would recognize that the Applicants had possession of the claimed film having a non-diene containing polymer blend at least as early as the filing date of the application. Applicants therefore respectfully request that the §112 rejection be withdrawn.

Koyanagi does not teach or suggest a film having a surface roughness of 7 to 30 as recited in claims 22-35 and 37-39, for example. Rather, *Koyanagi* discloses a five component polymeric composition for making automotive air bag covers and has no disclosure whatsoever directed to the surface texture of the air bag. Indeed, as the *Koyanagi* composition includes five

components, *Koyanagi* would suggest to the skilled artisan a composition having a surface texture different than the recited two component film surface texture. As *Koyanagi* 1) has no disclosure directed to surface texture and 2) the *Koyanagi* composition itself suggests a different surface texture than the recited surface texture, *Koyanagi* does not teach or suggest the subject matter of claims 22-35 and 37-39.

Koyanagi fails to teach or suggest a film formed from a polymeric blend composed solely of a first component and a second component as recited in claims 145-161, for example. Indeed, *Koyanagi's* five component polymeric composition clearly teaches away from the recited film composed solely of first and second components. Moreover, *Koyanagi* has no disclosure whatsoever directed to a method of making a container having a seal as recited in claims 179-194. *Koyanagi* discloses a polymeric composition for use in automotive air bag covers. Consequently, *Koyanagi* is wholly silent regarding seal forming polymeric films or a method of making a container having a seal.

CONCLUSION

In view of the foregoing remarks, Applicants submit that claims 22-35, 37-39, 145-161, and 179-194 are in a condition for allowance and respectfully request a notice of the same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

Robert M. Barrett
Reg. No. 30,142
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204

Dated: December 8, 2004